

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FLOYD'S OF LEADVILLE, INC.,
n/k/a VALUED, INC.,

Plaintiff,

Civil Action No. 1:22-cv-3318

-against-

**ANSWER TO
AMENDED COMPLAINT**

ALEXANDER CAPITAL, L.P.; NESA
MANAGEMENT, LLC; JOSEPH ANTHONY
AMATO; ROCCO GERARD GUIDICIPIETRO;
JONATHAN GAZDAK; GREGORY HURLEY;
HOWARD DASILVA; RONALD BARRIE
CLAPHAM; RONALD BARRIE CLAPHAM;
THIEN TRUONG; PROVISION HOLDING,
INC.;
TIMOTHY KELLY; AND THREE DDD LLC,

Defendants.

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Defendant, Mark Leonard, by his attorneys, the Law Office of Paul A. Rachmuth, for his
and Affirmative Defenses to the Amended Complaint, asserts as follows:

Preliminary Statement

To the extent that the titles and headings inserted by Plaintiffs at various points in the
Complaint are intended to be allegations against this Defendant, they are, unless specifically
admitted, denied. To the extent that any allegations are not specifically admitted, they are
denied.

1. To the extent that paragraph one is directed to this defendant, it is denied. To the
extent that paragraph 1 is directed to defendants other than this defendant, this, defendant, denies
knowledge and information sufficient to form a belief as to the truth of the allegations contained
therein, and therefore denies same.

2. To the extent that paragraph one is directed to this defendant, it is denied. To the extent that paragraph 2 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

3. Paragraph 3 is denied.

4. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 4, and therefore denies same.

5. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 5, and therefore denies same.

6. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 6, and therefore denies same.

7. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 7, and therefore denies same.

8. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 8, and therefore denies same.

9. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 9, and therefore denies same.

10. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 10, and therefore denies same.

11. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 11, and therefore denies same.

12. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 12, and therefore denies same.

13. Paragraph 13 is admitted.

14. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 14, and therefore denies same.

15. Upon information and belief, paragraph 15 is admitted.

16. this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 16, and therefore denies same.

17. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 17, and therefore denies same.

18. Paragraph 18 purports to state legal conclusions to which no response is required. To the extent a response is required from this Defendant, paragraph 18 is denied, except that this Defendant admits only that this Court has jurisdiction over this action.

19. Paragraph 19 purports to state legal conclusions to which no response is required. To the extent a response is required from this Defendant, paragraph 19 is denied, except that this Defendant admits only that venue proper in this action.

20. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 20, and therefore denies same.

21. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 21, and therefore denies same.

22. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 22, and therefore denies same.

23. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 23, and therefore denies same.

24. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 24, and therefore denies same.

25. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 25, and therefore denies same.

26. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 26, and therefore denies same.

27. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 27, and therefore denies same.

28. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 28, and therefore denies same.

29. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 29, and therefore denies same.

30. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 30, and therefore denies same.

31. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 31, and therefore denies same.

32. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 32, and therefore denies same.

33. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 33, and therefore denies same.

34. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 34, and therefore denies same.

35. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 35, and therefore denies same.

36. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 36, and therefore denies same.

37. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 37, and therefore denies same.

38. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 38, and therefore denies same.

39. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 39, and therefore denies same.

40. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 40, and therefore denies same.

41. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 41, and therefore denies same.

42. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 42, and therefore denies same.

43. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 43, and therefore denies same.

44. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 44, and therefore denies same.

45. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 45, and therefore denies same.

46. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 46, and therefore denies same.

47. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 47, and therefore denies same.

48. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 48, and therefore denies same.

49. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 49, and therefore denies same.

50. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 50, and therefore denies same.

51. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 51, and therefore denies same.

52. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 52, and therefore denies same.

53. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 53 and therefore denies same.

54. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 54, and therefore denies same.

55. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 55, and therefore denies same.

56. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 56, and therefore denies same.

57. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 57, and therefore denies same.

58. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 58, and therefore denies same.

59. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 59, and therefore denies same.

60. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 60, and therefore denies same.

61. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 61, and therefore denies same.

62. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 62, and therefore denies same.

63. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 63, and therefore denies same.

64. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 64, and therefore denies same.

65. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 65, and therefore denies same.

66. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 66, and therefore denies same.

67. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 67, and therefore denies same.

68. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 68, and therefore denies same.

69. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 69, and therefore denies same.

70. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 70, and therefore denies same.

71. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 71, and therefore denies same.

72. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 72, and therefore denies same.

73. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 73, and therefore denies same.

74. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 74, and therefore denies same.

75. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 75, and therefore denies same.

76. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 76, and therefore denies same.

77. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 77, and therefore denies same.

78. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 78, and therefore denies same.

79. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 79, and therefore denies same.

80. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 80, and therefore denies same.

81. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 81, and therefore denies same.

82. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 82, and therefore denies same.

83. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 83, and therefore denies same.

84. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 84, and therefore denies same.

85. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 85, and therefore denies same.

86. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 86, and therefore denies same.

87. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 87, and therefore denies same.

88. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 88, and therefore denies same.

89. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 89, and therefore denies same.

90. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 90, and therefore denies same.

91. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 91, and therefore denies same.

92. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 92, and therefore denies same.

93. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 93, and therefore denies same.

94. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 94, and therefore denies same.

95. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 95, and therefore denies same.

96. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 96, and therefore denies same.

97. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 97, and therefore denies same.

98. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 98, and therefore denies same.

99. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 99, and therefore denies same.

100. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 100, and therefore denies same.

101. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 101, and therefore denies same.

102. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 102, and therefore denies same.

103. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 103, and therefore denies same.

104. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 104, and therefore denies same.

105. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 105, and therefore denies same.

106. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 106, and therefore denies same.

107. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 107, and therefore denies same.

108. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 108, and therefore denies same.

109. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 109, and therefore denies same.

110. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 110, and therefore denies same.

111. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 111, and therefore denies same.

112. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 112, and therefore denies same.

113. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 113, and therefore denies same.

114. Paragraph 114 is denied.

115. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 115, and therefore denies same.

116. Paragraph 116 is denied.

117. Paragraph is admitted except that this defendant objects to plaintiff's subjective and superlative characterizations of the nature of parties' interactions and to that extent paragraph 117 is denied.

118. Paragraph 118 is denied.

119. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 119, and therefore denies same.

120. Paragraph 120 is denied.

121. Paragraph 121 is denied.

122. Paragraph 122 is denied.

123. Paragraph 123 is denied.

124. Paragraph 124 is denied, except that this defendant admits only that Provision Holdings Inc. entered into an agreement with plaintiff, which agreement is annexed to the Complaint as Exhibit 2, which speaks for itself, and to which the court is respectfully referred.

125. Paragraph 125 is denied, except that this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in the last sentence of paragraph 125, and therefore denies same.

126. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 126, and therefore denies same.

127. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 127, and therefore denies same.

128. Paragraph 128 is denied.

129. Paragraph 129 is denied.

130. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 130, and therefore denies same.

131. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 131, and therefore denies same.

132. Paragraph 132 is denied.

133. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 133, and therefore denies same.

134. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 134, and therefore denies same.

135. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 135, and therefore denies same.

136. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 136, and therefore denies same.

137. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 137, and therefore denies same.

138. Paragraph 138 contains no allegations to which a response is required. To the extent a response is required from this Defendant, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

139. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 139, and therefore denies same.

140. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 140, and therefore denies same.

141. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 141, and therefore denies same.

142. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 142, and therefore denies same.

143. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 143, and therefore denies same.

144. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 144, and therefore denies same.

145. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 145, and therefore denies same.

146. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 146, and therefore denies same.

147. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 147, and therefore denies same.

148. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 148, and therefore denies same.

149. To the extent that paragraph 149 is directed to this defendant, it is denied. To the extent that paragraph 149 is directed to defendants other than this defendant, this, defendant, denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

150. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 150, and therefore denies same.

151. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 151, and therefore denies same.

152. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 152, and therefore denies same.

153. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 153, and therefore denies same.

154. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 154, and therefore denies same.

155. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 155, and therefore denies same.

156. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 156, and therefore denies same.

157. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 157, and therefore denies same.

158. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 158, and therefore denies same.

159. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 159, and therefore denies same.

160. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 160, and therefore denies same.

161. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 161, and therefore denies same.

162. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 162, and therefore denies same.

163. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 163, and therefore denies same.

164. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 164, and therefore denies same.

165. The last sentence of paragraph 165 is denied. This defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in remainder of paragraph 165, and therefore denies same.

166. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 166, and therefore denies same.

167. Paragraph 167 is denied.

168. Paragraph 168 is denied.

169. To the extent that paragraph 169 is directed to this defendant, it is denied. To the extent that paragraph 169 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

170. This defendant admits only to a litigation entitled *Redemption Holdings, Inc. versus Floyd's of Leadville, Inc.*, Case Number 2020 – CV – 032866, presently pending in District Court in Denver Colorado (“the Colorado case”) and, except as so admitted, denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 170, and therefore denies same.

171. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 171, and therefore denies same.

172. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 172, and therefore denies same.

173. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 173, and therefore denies same.

174. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 174, and therefore denies same.

175. To the extent that paragraph 175 is directed to this defendant, it is denied. To the extent that paragraph 175 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

176. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 176, and therefore denies same.

177. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 177, and therefore denies same.

178. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 178, and therefore denies same.

179. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 179, and therefore denies same.

180. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 180, and therefore denies same.

181. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 181, and therefore denies same.

182. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 182, and therefore denies same.

183. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 183, and therefore denies same.

184. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 184, and therefore denies same.

185. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 185, and therefore denies same.

186. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 186, and therefore denies same.

187. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 187, and therefore denies same.

188. This defendant repeats every alleges each, and every response heretofore had herein.

189. To the extent that paragraph 189 is directed to this defendant, it is denied. To the extent that paragraph 189 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

190. To the extent that paragraph 190 is directed to this defendant, it is denied. To the extent that paragraph 190 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

191. To the extent that paragraph 191 is directed to this defendant, it is denied. To the extent that paragraph 191 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

192. To the extent that paragraph 192 is directed to this defendant, it is denied. To the extent that paragraph 192 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

193. To the extent that paragraph 193 is directed to this defendant, it is denied. To the extent that paragraph 193 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

194. To the extent that paragraph 194 is directed to this defendant, it is denied. To the extent that paragraph 194 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

195. To the extent that paragraph 195 is directed to this defendant, it is denied. To the extent that paragraph 195 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

196. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 196, and therefore denies same.

197. To the extent that paragraph 197 is directed to this defendant, it is denied. To the extent that paragraph 197 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

198. This defendant repeats every alleges each, and every response heretofore had herein.

199. To the extent that paragraph 199 is directed to this defendant, it is denied. To the extent that paragraph 199 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

200. To the extent that paragraph 200 is directed to this defendant, it is denied. To the extent that paragraph 200 is directed to defendants other than this defendant, this defendant

denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

201. To the extent that paragraph 201 is directed to this defendant, it is denied. To the extent that paragraph 201 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

202. To the extent that paragraph 202 is directed to this defendant, it is denied. To the extent that paragraph 202 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

203. To the extent that paragraph 203 is directed to this defendant, it is denied. To the extent that paragraph 203 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

204. To the extent that paragraph 204 is directed to this defendant, it is denied. To the extent that paragraph 204 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

205. To the extent that paragraph 205 is directed to this defendant, it is denied. To the extent that paragraph 205 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

206. This defendant repeats every alleges each, and every response heretofore had herein.

207. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 207, and therefore denies same.

208. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 208, and therefore denies same.

209. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 209, and therefore denies same.

210. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 201, and therefore denies same.

211. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 211, and therefore denies same.

212. To the extent that paragraph 212 is directed to this defendant, it is denied. To the extent that paragraph 212 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

213. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 213, and therefore denies same.

214. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 214, and therefore denies same.

215. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 215, and therefore denies same.

216. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 216, and therefore denies same.

217. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 217, and therefore denies same.

218. This Defendant denies knowledge and information and sufficient to form a belief as to the truth of the allegations contained in paragraph 218, and therefore denies same.

219. This defendant repeats every alleges each, and every response heretofore had herein.

220. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 220, and therefore denies same.

221. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 221, and therefore denies same.

222. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 222, and therefore denies same.

223. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 223, and therefore denies same.

224. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 224, and therefore denies same.

225. To the extent that paragraph 225 is directed to this defendant, it is denied. To the extent that paragraph 225 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

226. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 226, and therefore denies same.

227. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 227, and therefore denies same.

228. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 228, and therefore denies same.

229. This defendant repeats every alleges each, and every response heretofore had herein.

230. Paragraph 230 is denied.

231. Paragraph 231 is denied.

232. Paragraph 232 is denied.

233. Paragraph 233 is denied.

234. To the extent that paragraph 234 is directed to this defendant, it is denied. To the extent that paragraph 234 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

235. Paragraph 235 is denied.

236. Paragraph 236 is denied.

237. This defendant repeats every alleges each, and every response heretofore had herein.

238. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 238, and therefore denies same.

239. To the extent that paragraph 239 is directed to this defendant, it is denied. To the extent that paragraph 239 is directed to defendants other than this defendant, this defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

240. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 240, and therefore denies same.

241. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 241, and therefore denies same.

242. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 242, and therefore denies same.

243. This defendant repeats every alleges each, and every response heretofore had herein.

244. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 244, and therefore denies same.

245. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 245, and therefore denies same.

246. To the extent that paragraph 246 is directed to this defendant, it is denied. To the extent that paragraph 246 is directed to defendants other than this defendant, this defendant, denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

247. To the extent that paragraph 247 is directed to this defendant, it is denied. To the extent that paragraph 247 is directed to defendants other than this defendant, this defendant,

denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

248. To the extent that paragraph 248 is directed to this defendant, it is denied. To the extent that paragraph 248 is directed to defendants other than this defendant, this defendant, denies knowledge and information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies same.

249. Paragraph 249 is denied.

250. Paragraph 250 is denied.

251. This defendant repeats every alleges each, and every response heretofore had herein.

252. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 252, and therefore denies same.

253. Paragraph 253 is denied.

254. Paragraph 254 is denied.

255. Paragraph 255 is denied.

256. Paragraph 256 is denied.

257. Paragraph 257 is denied.

258. Paragraph 258 is denied.

259. Paragraph 259 is denied.

260. This defendant repeats every alleges each, and every response heretofore had herein.

261. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 261, and therefore denies same.

262. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 262, and therefore denies same.

263. Paragraph 263 is denied.

264. Paragraph 264 is based on a false predicate and is therefore denied.

265. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 265, and therefore denies same.

266. Paragraph 266 is denied.

267. Paragraph 267 is denied.

268. Paragraph 268 is denied.

269. Paragraph 269 is denied.

270. Paragraph 270 is denied.

271. This defendant repeats every alleges each, and every response heretofore had herein.

272. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 272, and therefore denies same.

273. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 273, and therefore denies same.

274. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 274, and therefore denies same.

275. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 275, and therefore denies same.

276. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 276, and therefore denies same.

277. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 277, and therefore denies same.

278. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 278, and therefore denies same.

279. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 279, and therefore denies same.

280. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 280, and therefore denies same.

281. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 281, and therefore denies same.

282. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 282, and therefore denies same.

283. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 283, and therefore denies same.

284. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 284, and therefore denies same.

285. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 285, and therefore denies same.

286. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 286, and therefore denies same.

287. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 287, and therefore denies same.

288. This defendant repeats every alleges each, and every response heretofore had herein.

289. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 289, and therefore denies same.

290. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 290, and therefore denies same.

291. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 291, and therefore denies same.

292. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 292, and therefore denies same.

293. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 293, and therefore denies same.

294. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 294, and therefore denies same.

295. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 295, and therefore denies same.

296. This defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 296, and therefore denies same.

297. This defendant repeats every alleges each, and every response heretofore had herein.

298. Paragraph 281 is denied.

299. Paragraph 299 is denied.

300. Paragraph 300 is denied.

301. Paragraph 301 is denied.

302. Paragraph 302 is denied.

303. Paragraph 303 is denied.

304. Paragraph 304 is denied.

Jury Demand

This defendant demands a jury trial.

As to Plaintiff's Prayer for Relief

Plaintiff's prayer for relief is denied in its entirety.

Affirmative Defenses

First: The Complaint and each claim contained therein fail to state a claim upon which relief can be granted.

Second: Plaintiff's claims are barred or reduced by plaintiff's contributory and/or comparative negligence and/or contributory and/or comparative fault.

Third: If plaintiff has sustained any damages, such were the result of intervening or superseding events, factors, occurrences, or conditions, which were in no way caused by this Defendant and for which this Defendant is not liable.

Fourth: Plaintiff's claims are barred by plaintiff's voluntary assumption of the risks related to the activities alleged in the Complaint and in which plaintiff was engaged.

Fifth: Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitations or repose.

Sixth: Plaintiff's claims are barred, in whole or in part, by the doctrines of laches, waiver, ratification and/or estoppel.

Seventh: Plaintiff's claims are barred, in whole or in part, by plaintiff's failure to mitigate any damages allegedly sustained.

Eighth: The allegations of the Complaint purporting to state claims of fraud or misrepresentation are insufficient because they lack the particularity required by Federal Rule of Civil Procedure 9(b).

Ninth: Plaintiff's purported conspiracy and/or aiding and abetting claims, if any, are defective because they are not stated with sufficient particularity.

Tenth: Plaintiff has unclean hands and is therefore barred from seeking relief in this Court.

Defenses Reserved

This Defendant hereby gives notice that this Defendant intends to rely upon any other defenses that may become available or apparent during the discovery proceedings in this matter and hereby reserves its right to amend its Answer and to assert any such defense. This Defendant also reserves its right to assert other and related defenses which may become available in the event of a determination that the action, or some part thereof, is governed by the substantive law of the United States or a state other than the State of New York.

WHEREFORE this defendant requests that the Court dismiss the action with prejudice, that plaintiff recover nothing herein, and that this Defendant recover its costs, attorneys' fees, and such further relief as the Court deems proper.

Dated: Rockville Centre, New York
November 18, 2024

/s/ Paul Rachmuth
Paul A. Rachmuth (pr-1566)
265 Sunrise Highway, Ste. 1515
Rockville Centre, New York
11570 (516) 330-0170
Counsel for Defendant
Mark Leonard

